

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-14 remain in the application. All of the claims have been amended.

An abstract is enclosed on a separate sheet. The abstract largely corresponds to the abstract of the International application PCT/EP00/05085, but has been shortened to below the allowable 150 word limit.

With reference to the Examiner's statements in paragraph 2, entitled *Drawings* on page 2 of the Office action, enclosed herewith is a formalized copy of the figure of the drawing.

The claims have been amended in response to the rejections under 35 U.S.C. § 112, second paragraph, appearing on page 3 of the Office action. The Examiner's careful review of the claims is appreciated. It is noted in this regard that, while the amendments are in response to a rejection based on a statutory requirement, the amendment is of a cosmetic nature and the amendment does not narrow any of the claims.

The specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the

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Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

We now turn to the art rejection, in which the claims have been rejected as being obvious over various combinations of prior art under 35 U.S.C. § 103. Each of the combinations includes the reference Vanhee (US 6,232,617 B1). We respectfully traverse on the grounds that the reference is unavailable as prior art.

Vanhee has an earliest prior art date of June 30, 1999. 35 U.S.C. § 102(e). The instant application claims the priority of German application 199 30 173.5 of June 30, 1999 which, notably, is one day after Vanhee's prior art date. The invention disclosed and claimed in the instant application, and in the German priority application, was conceived and reduced to practice prior to that date. Most notably, the invention was made prior to June 29, 1999, which is the prior art date of Vanhee.

Enclosed herewith, in corroboration for the foregoing statement, is a declaration under 37 CFR § 1.131, duly signed by the inventors named in the application. In addition, we enclose a drawing sheet "1/1" which accompanied the finalized

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draft of the application on June 22, 1999. Direct reference to the drawing is made in the declaration. It is evident that the drawing figure of June 22, 1999 corresponds with the drawing figure of the instant application. By direct conclusion, the invention was made prior to June 29, 1999.

In summary, the available prior art neither shows nor suggests the features of claims 1 and 8. These claims are, therefore, patentable over the art and since all of the dependent claims are ultimately dependent on either claim 1 or claim 8, they are believed to be patentable as well.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith. Charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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